

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

USA,

Plaintiff,

v.

TRAMEIN SLACK,

Mr. Slack.

CASE NO. CR15-0355 JCC

ORDER CONTINUING TRIAL
DATE

This matter comes before the Court on defense counsel's uncontested motions to continue trial (Dkt. Nos. 21 and 26). Having thoroughly considered the briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the December 15, 2015 motion (Dkt. No. 26) and MOOTS the November 24, 2015 motion (Dkt. No. 21).

On October 26, 2015, Mr. Slack was charged by Complaint with one count of being a *Felon in Possession of a Firearm, Possession of Heroin with Intent to Distribute, Possession of Methamphetamine with Intent to Distribute, Possession of Base Cocaine with Intent to Distribute, and Possession of a Firearm in Furtherance of Drug Trafficking.* (Dkt. No. 1.)

On October 28, 2015, Mr. Slack had his initial appearance and was assigned a federal public defender. (Dkt. No. 6.)

On October 30, 2015, Mr. Slack was detained pending trial. (Dkt. No. 8.)

On November 14, 2015, Mr. Slack was indicted as charged in the Complaint. (Dkt. No.

1 12.)

2 Trial was scheduled for January 11, 2016. (Dkt. No. 16.)

3 On November 24, Mr. Slack filed a motion to continue trial. (Dkt. No. 21.) In support of
4 this request, Mr. Slack filed a waiver of speedy trial through April 11, 2016. (Dkt. No. 22.)

5 On December 7, 2015, defense counsel Brent Hart was appointed to represent Mr. Slack
6 after Mr. Slack requested new counsel. (Dkt. No. 25.)

7 On December 15, 2015, Mr. Hart filed a motion to continue trial based, inter alia, on his
8 recent appointment and need for time to adequately prepare for trial. (Dkt. No. 26.)

9 On December 17, 2015, the Court referred the motion to continue the trial to Magistrate
10 Judge Brian A. Tsuchida. (Dkt. No. 29.)

11 On December 21, 2015, Magistrate Judge Tsuchida held a hearing on the motion to
12 continue. Present were Mr. Slack, Mr. Hart, and Special Assistant United States Attorney
13 Stephen Hobbs. (Dkt. No. 30.)

14 At the hearing, Mr. Slack refused to a continuance of the trial date and refused to waive
15 speedy trial, despite the fact that he had previously signed a waiver of speedy trial until April 11,
16 2016. The government indicated it was ready to proceed to trial, but did not object to a
17 continuance. The Magistrate Judge heard from Mr. Slack and from Mr. Hart. Mr. Hart indicated
18 that, given his recent appointment to the case, he could not adequately prepare to negotiate or try
19 the case without a continuance. (Dkt. No. 30.)

20 After hearing from the parties, Magistrate Judge Tsuchida found good cause to continue
21 the case over Mr. Slack's objection, in order to allow defense counsel to prepare for trial and
22 avoid prejudicing Mr. Slack. A new trial date of February 1, 2016, was established. (Dkt. No.
23 30.)

24 **FINDINGS OF FACT:**

25 The Court hereby ADOPTS the findings of fact made by Magistrate Judge Tsuchida
26 regarding the need and justification for a continuance.

1 The Court finds good cause to continue the trial over Mr. Slack's objections, in order to
2 allow defense counsel to prepare for trial and avoid prejudicing Mr. Slack.

3 The Court finds, pursuant to 18 U.S.C. 3161(h)(7)(A), that the ends of justice in granting
4 a continuance outweigh the best interest of the public and Mr. Slack in a speedy trial.

5 The Court further finds, pursuant to 18 U.S.C. 3161(h)(7)(B)(i)), that the failure to grant
6 such a continuance would result in a miscarriage of justice in that defense counsel would not be
7 adequately prepared to investigate, negotiate or litigate Mr. Slack's case.

8 IT IS HEREBY ORDERED:

9 The December 15, 2015 motion to continue trial (Dkt. No. 26) is GRANTED. Trial is
10 continued to February 1, 2016, at 9:00 a.m. The November 24, 2015 motion to continue trial
11 (Dkt. No. 21) is MOOTED. The period of delay from January 11, 2016, Mr. Slack's previous
12 trial date, to February 1, 2016, Mr. Slack's new trial date, shall be excludable time pursuant to 18
13 U.S.C. 3161(h)(7)(A) and (h)(7)(B)(iv).

14 DATED this 12th day of January 2016.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE